

**FORTY-EIGHTH LEGISLATURE  
FIRST SESSION, 2007**

**SB 407/a**

February 8, 2007

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**SENATE BILL 407**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 2, between lines 9 and 10, insert the following new section to read:

"Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 463, as amended) is amended to read:

"59A-23-4. OTHER PROVISIONS APPLICABLE.--

A. A blanket or group health insurance policy or contract shall not contain a provision relative to notice or proof of loss or the time for paying benefits or the time within which suit may be brought upon the policy that in the superintendent's opinion is less favorable to the insured than would be permitted in the required or optional provisions for individual health insurance policies as set forth in Chapter 59A, Article 22 NMSA 1978.

B. The following provisions of Chapter 59A, Article 22 NMSA 1978 shall also apply as to Chapter 59A, Article 23 NMSA 1978 and blanket and group health insurance contracts:

(1) Section 59A-22-1 NMSA 1978, except Subsection C of that section; and

(2) Section 59A-22-32 NMSA 1978.

C. The following provisions of Chapter 59A, Article 22 NMSA 1978 shall also apply as to group health insurance contracts:

(1) Section 59A-22-33 NMSA 1978;

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- (2) Section 59A-22-34 NMSA 1978;
- (3) Section 59A-22-34.1 NMSA 1978;
- (4) Section 59A-22-34.3 NMSA 1978;
- (5) Section 59A-22-35 NMSA 1978;
- (6) Section 59A-22-36 NMSA 1978;
- (7) Section 59A-22-39 NMSA 1978;
- (8) Section 59A-22-39.1 NMSA 1978;
- (9) Section 59A-22-40 NMSA 1978;
- (10) Section 59A-22-40.1 NMSA 1978;
- ~~[(10)]~~ (11) Section 59A-22-41 NMSA 1978;
- ~~[(11)]~~ (12) Section 59A-22-42 NMSA 1978; and
- ~~[(12)]~~ (13) Section 59A-22-44 NMSA 1978."".

2. Renumber the succeeding section accordingly.

3. On page 3, between lines 4 and 5, insert the following new section to read:

"Section 4. Section 59A-47-33 NMSA 1978 (being Laws 1984, Chapter 127, Section 879.32, as amended) is amended to read:

"59A-47-33. OTHER PROVISIONS APPLICABLE.--The provisions of the Insurance Code other than Chapter 59A, Article 47 NMSA 1978 shall not apply to health care plans except as expressly provided in the Insurance Code and that article. To the extent reasonable and not inconsistent with the provisions of that article, the following

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articles and provisions of the Insurance Code shall also apply to health care plans, their promoters, sponsors, directors, officers, employees, agents, solicitors and other representatives; and, for the purposes of such applicability, a health care plan may therein be referred to as an "insurer":

- A. Chapter 59A, Article 1 NMSA 1978;
- B. Chapter 59A, Article 2 NMSA 1978;
- C. Chapter 59A, Article 4 NMSA 1978;
- D. Subsection C of Section 59A-5-22 NMSA 1978;
- E. Sections 59A-6-2 through 59A-6-4 and 59A-6-6 NMSA 1978;
- F. Section 59A-7-11 NMSA 1978;
- G. Chapter 59A, Article 8 NMSA 1978;
- H. Chapter 59A, Article 10 NMSA 1978;
- I. Section 59A-12-22 NMSA 1978;
- J. Chapter 59A, Article 16 NMSA 1978;
- K. Chapter 59A, Article 18 NMSA 1978;
- L. the Policy Language Simplification Law;
- M. Subsections B through E of Section 59A-22-5 NMSA 1978;
- N. Section 59A-22-14 NMSA 1978;
- O. Section 59A-22-34.1 NMSA 1978;

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P. Section 59A-22-39 NMSA 1978;

Q. Section 59A-22-40 NMSA 1978;

R. Section 59A-22-40.1 NMSA 1978;

~~[R.]~~ S. Section 59A-22-41 NMSA 1978;

~~[S.]~~ T. Section 59A-22-42 NMSA 1978;

~~[T.]~~ U. Section 59A-22-44 NMSA 1978;

~~[U.]~~ V. Sections 59A-34-7 through 59A-34-13,  
59A-34-17, 59A-34-23, 59A-34-33, 59A-34-40 through 59A-34-42 and  
59A-34-44 through 59A-34-46 NMSA 1978;

~~[V.]~~ W. The Insurance Holding Company Law, except Section  
59A-37-7 NMSA 1978;

~~[W.]~~ X. Section 59A-46-15 NMSA 1978; and

~~[X.]~~ Y. the Patient Protection Act."".,

and thence referred to the **CORPORATIONS AND TRANSPORTATION  
COMMITTEE.**

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Respectfully submitted,

\_\_\_\_\_  
Dede Feldman, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Ingle, Ortiz y Pino

Absent: None

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